

SECRET

Approved For Release 2002/11/07 : CIA-RDP83T00573R000100050002-7  
OGC Has Reviewed

ODP 1565-77  
5 August 1977

MEMORANDUM FOR:

FROM

:

ODP/FOIA

25X1A

SUBJECT

:

John Marks and Morton Halperin  
Litigation

1. I have reviewed the attached computer printout on contracts and determined that the portion related to ODP (formerly OJCS) can be released. Contract 76\*2003760\*000 with the University of Southern California at Los Angeles was for the purchase of an unclassified computer program called "Exchange." The contract has been liquidated and ODP is in possession of the program.

2. If further information on the contract is needed, please contact the Office of Logistics.

25X1A

Att: a/s

cc:

OGC, w/att.

Distribution:

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STATINTL

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# United States District Court

FOR THE  
District of Columbia

77- 1103

CIVIL ACTION FILE NO. \_\_\_\_\_

JOHN D. MARKS  
and  
MORTON H. HALPERIN

Plaintiff s

v.

STANSFIELD TURNER  
and  
CENTRAL INTELLIGENCE AGENCY

Defendant s

SUMMONS

To the above named Defendant : Stansfield Turner

You are hereby summoned and required to serve upon

Mark H. Lynch

plaintiff's attorney , whose address

Suite 301  
600 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003  
(202) 544-1681

an answer to the complaint which is herewith served upon you, within 30 days' after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY

*Greg Hughes*  
Clerk of Court.  
Deputy Clerk.

Date: JUN 28 1977

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOHN D. MARKS  
1851 Mintwood Place, N.W.  
Washington, D.C. 20009  
(202) 387-8277

and

MORTON H. HALPERIN  
1400 Constitution Avenue, N.E.  
Washington, D.C. 20002  
(202) 546-5597

Plaintiffs,

v.

STANSFIELD TURNER  
Director of Central Intelligence  
Washington, D.C. 20505

and

CENTRAL INTELLIGENCE AGENCY  
Washington, D.C. 20505

Defendants.

Civil Action No.

77- 1108

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to require defendants to permit access to certain records in their possession.
2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).
3. Plaintiff John D. Marks is a free-lance journalist and an associate at the Center for National Security Studies.
4. Plaintiff Morton H. Halperin is the Director of the Project on National Security and Civil Liberties.
5. Defendant Stansfield Turner is the Director of Central Intelligence and the head of the agency which has possession of the records to which plaintiffs seek access.
6. Defendant Central Intelligence Agency is an agency of the United States and has possession of the records to which plaintiffs seek access.
7. By letter dated November 12, 1976, plaintiff

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Marks requested under the Freedom of Information Act all written material which the C.I.A. made available to the Senate Select Committee on Intelligence, the House Committee on Intelligence, the House Committee on Intelligence, or the Rockefeller Commission concerning C.I.A. use of, relations with, operations involving, or in any other way touching on American universities, members of the academic community, academic research, student or university exchange programs, scholarship programs, educational programs, or any other programs related to American universities or American academic personnel.

8. Defendants acknowledged plaintiff's initial request, but failed to act on it within the statutory time limit. 5 U.S.C. § 552(a)(6)(i).

9. Pursuant to 5 U.S.C. § 552(a)(6)(C), plaintiff Marks deemed this failure to act to be a denial of his initial request, and by letter dated December 2, 1976, he appealed this denial.

10. Defendants have acknowledged plaintiff's appeal but have failed to act on it within the statutory time limit. 5 U.S.C. § 552(a)(6)(ii).

11. By letter dated June 28, 1976 plaintiff Halperin requested under the Freedom of Information Act the C.I.A.'s internal directives dealing with the operational use of individuals within the academic community.

12. On July 27, 1976, defendants released to plaintiff Halperin portions of a document entitled "Restrictions on Operational Use of Certain Categories of Individuals" and withheld portions of this document under exemptions 1 and 3 to the F.O.I.A., 5 U.S.C. § 552(b)(1) & (3).

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13. By letter dated September 29, 1976, plaintiff Halperin appealed defendants' initial denial of portions of the requested document.

14. By letter dated December 6, 1976, defendants affirmed their initial denial of portions of the requested document.

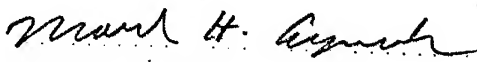
15. Plaintiffs have exhausted their administrative remedies.

16. Pursuant to 5 U.S.C. § 552(a)(3), plaintiffs are entitled to access to the requested records, and there is no legal basis for denial of such access.

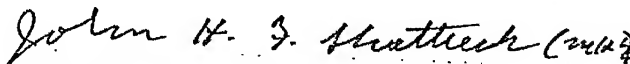
WHEREFORE, plaintiffs pray that the Court (1) order defendants to permit access to the requested records; (2) provide for expeditious proceedings in this action as provided by 5 U.S.C. § 552(a)(4)(D); (3) award plaintiffs their costs and reasonable attorney fees in this action; and (4) grant such other and further relief as the Court may deem just and proper.

DATED: Washington, D.C.  
June 28, 1977

Respectfully submitted,



Mark H. Lynch



John H. F. Shattuck

American Civil Liberties Union  
Foundation  
Suite 301  
600 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003  
(202) 544-1681

Counsel for the Plaintiffs

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